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8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues  
12 Against:

Case No. 2011-130

13 **PARISA ASHOURI HURLEY**  
14 **aka PARISA A. HURLEY**  
23 Grenada Street  
15 **Laguna Niguel, CA 92677**

**STATEMENT OF ISSUES**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in  
20 her official capacity as the Interim Executive Officer of the Board of Registered Nursing,  
21 Department of Consumer Affairs.

22 2. On or about May 30, 2003, the Board of Registered Nursing, Department of  
23 Consumer Affairs received an application for a registered nurse license from Parisa Ashouri  
24 Hurley, aka Parisa A. Hurley (Respondent). Respondent submitted requests for reapply/repeat  
25 examinations on January 17, 2004, August 20, 2004, September 2, 2005, March 3, 2008, and  
26 March 17, 2010, on which Respondent certified under penalty of perjury to the truthfulness of all  
27 statements, answers, and representations in the application. The Board denied the application on  
28 April 27, 2010.

## JURISDICTION

3. This Statement of Issues is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2736 of the Business and Professions Code (Code) provides that the Board of Registered Nursing (Board) may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

5. Section 480 of the Code states:

“(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

“(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

“(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

“(3)(A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

“(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

“(b) Notwithstanding any other provision of this code, no person shall be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate

1 the rehabilitation of a person when considering the denial of a license under subdivision (a) of  
2 Section 482.

3 “(c) A board may deny a license regulated by this code on the ground that the applicant  
4 knowingly made a false statement of fact required to be revealed in the application for the  
5 license.”

### 6 STATUTORY PROVISIONS

7 6. Section 475 of the Code states:

8 “(a) Notwithstanding any other provisions of this code, the provisions of this division shall  
9 govern the denial of licenses on the grounds of:

10 “(1) Knowingly making a false statement of material fact , or knowingly omitting to state a  
11 material fact, in an application for a license.

12 “(2) Conviction of a crime.

13 “(3) Commission of any act involving dishonesty, fraud or deceit with the intent to  
14 substantially benefit himself or another, or substantially injure another .

15 “(4) Commission of any act which, if done by a licentiate of the business or profession in  
16 question, would be grounds for suspension or revocation of license.

17 “(b) Notwithstanding any other provisions of this code, the provisions of this division shall  
18 govern the suspension and revocation of licenses on grounds specified in paragraphs (1) and (2)  
19 of subdivision (a) .

20 “(c) A license shall not be denied, suspended, or revoked on the grounds of a lack of good  
21 moral character or any similar ground relating to an applicant's character, reputation, personality,  
22 or habits.

23 7. Section 482 of the Code states:

24 “Each board under the provisions of this code shall develop criteria to evaluate the  
25 rehabilitation of a person when:

26 “(a) Considering the denial of a license by the board under Section 480; or

27 “(b) Considering suspension or revocation of a license under Section 490.

1 "Each board shall take into account all competent evidence of rehabilitation furnished by  
2 the applicant or licensee."

3 8. Section 493 of the Code states:

4 "Notwithstanding any other provision of law, in a proceeding conducted by a board within  
5 the department pursuant to law to deny an application for a license or to suspend or revoke a  
6 license or otherwise take disciplinary action against a person who holds a license, upon the  
7 ground that the applicant or the licensee has been convicted of a crime substantially related to the  
8 qualifications, functions, and duties of the licensee in question, the record of conviction of the  
9 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,  
10 and the board may inquire into the circumstances surrounding the commission of the crime in  
11 order to fix the degree of discipline or to determine if the conviction is substantially related to the  
12 qualifications, functions, and duties of the licensee in question.

13 "As used in this section, "license" includes "certificate," "permit," "authority," and  
14 "registration.""

15 9. Section 2761 of the Code states:

16 "The board may take disciplinary action against a certified or licensed nurse or deny an  
17 application for a certificate or license for any of the following:

18 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

19 "...

20 "(e) Making or giving any false statement or information in connection with the application  
21 for issuance of a certificate or license.

22 "(f) Conviction of a felony or of any offense substantially related to the qualifications,  
23 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
24 conclusive evidence thereof.

25 "..."

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1        10. Section 2762 of the Code states:

2        "In addition to other acts constituting unprofessional conduct within the meaning of this  
3 chapter it is unprofessional conduct for a person licensed under this chapter to do any of the  
4 following:

5        "....

6        "(b) Use any controlled substance as defined in Division 10 (commencing with Section  
7 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
8 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
9 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
10 ability to conduct with safety to the public the practice authorized by his or her license.

11        "(c) Be convicted of a criminal offense involving the prescription, consumption, or self-  
12 administration of any of the substances described in subdivisions (a) and (b) of this section, or the  
13 possession of, or falsification of a record pertaining to, the substances described in subdivision (a)  
14 of this section, in which event the record of the conviction is conclusive evidence thereof.

15        "...."

16        11. California Code of Regulations, title 16, section 1444, states:

17        "A conviction or act shall be considered to be substantially related to the qualifications,  
18 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
19 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
20 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

21        "(a) Assaultive or abusive conduct including, but not limited to, those violations listed in  
22 subdivision (d) of Penal Code Section 11160.

23        "(b) Failure to comply with any mandatory reporting requirements.

24        "(c) Theft, dishonesty, fraud, or deceit.

25        "(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the  
26 Penal Code."

27        ///

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1 12. California Code of Regulations, title 16, section 1445, states:

2 "(a) When considering the denial of a license under Section 480 of the code, the board, in  
3 evaluating the rehabilitation of the applicant and his/her present eligibility for a license will  
4 consider the following criteria:

5 "(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for  
6 denial.

7 "(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under  
8 consideration as grounds for denial which also could be considered as grounds for denial under  
9 Section 480 of the code.

10 "(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in  
11 subdivision (1) or (2).

12 "(4) The extent to which the applicant has complied with any terms of parole, probation,  
13 restitution, or any other sanctions lawfully imposed against the applicant.

14 "(5) Evidence, if any, of rehabilitation submitted by the applicant.

15 "..."

16 **FIRST CAUSE FOR DENIAL OF APPLICATION**

17 **(August 24, 2009, Conviction for DUI on July 17, 2008)**

18 13. Respondent's application is subject to denial under Code sections 480,  
19 subdivision (a)(1) and 2761, subdivision (f) in that Respondent was convicted of a crime that is  
20 substantially related to the qualifications, functions, and duties of a registered nurse. The  
21 circumstances are as follows:

22 a. On or about August 24, 2009, in a criminal proceeding entitled *The People of the*  
23 *State of California v. Parisa A. Hurley* in Orange County Superior Court, Case  
24 Number 08SM03510, Respondent was convicted on her plea of guilty to violation of Vehicle  
25 Code sections 23152, subdivision (a), driving under the influence of alcohol and 23152,  
26 subdivision (b), driving with a blood alcohol content (BAC) of more than 0.08 percent. The  
27 Court stayed the sentence pursuant to Penal Code section 654 on second count.

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1       b.     The facts that led to the conviction are that on July 18, 2008, Respondent drove from  
2 her home in San Juan Capistrano and turned eastbound onto Camino Capistrano from southbound  
3 North El Camino Real/Pacific Coast Highway heading to the beach. An Orange County Sheriff  
4 Deputy saw Respondent pull over to the curb of Camino Capistrano and turn off her headlights as  
5 the deputy approached her vehicle. The deputy shined his spot light into Respondent's vehicle to  
6 determine if there was a problem. The driver, Respondent, and her fiancé were in Respondent's  
7 vehicle. The deputy asked Respondent if everything was okay and Respondent responded that  
8 she and her fiancé just finished having a party and they were going to take a walk on the beach.  
9 When asked by the deputy, Respondent stated she had a glass a wine about an hour earlier and her  
10 passenger also told the deputy that he had drunk wine. The deputy noticed that Respondent's  
11 eyes were blood shot and watery, her speech was slurred and her face was lax. The deputy  
12 conducted a DUI investigation and administered field sobriety tests (FSTs) which Respondent  
13 failed. Respondent agreed to a preliminary alcohol screening (PAS) test and the breath test  
14 yielded .148 percent BAC. Respondent was arrested for driving under the influence of alcohol  
15 over .08 percent. Respondent agreed to give a blood sample at the Orange County Jail in  
16 Santa Ana.

17       c.     As a result of the conviction, Respondent's sentencing was combined with two other  
18 cases, which are outlined in the Second and Third Causes for Discipline below. She was  
19 sentenced to 5 years informal probation, ordered to serve 180 days in Orange County Jail, to run  
20 consecutive with that served on case number 09SM00783, stayed pending completion of a 12-  
21 month substance abuse program at National Therapeutic Services, Inc., including 180 days of  
22 residential treatment to run concurrent to that ordered in cases 08SM03587 and 09SM00783, and  
23 complete a 3-month Level 1 First Offender Alcohol Program to run concurrent to multiple  
24 offender alcohol program on cases 08SM03587 and 09SM00783, outlined above, complete a  
25 Mother's Against Drunk Driving (MADD) Victim's Impact Panel program, and report to an  
26 Alcohol Liaison.. On successful completion of the program without any probation violations the  
27 stayed sentence was to be vacated. Respondent was also ordered to violate no law, pay various  
28 fines and fees, not to drive without a valid driver's license, proof of valid auto liability insurance,

1 or financial responsibility, not to drink and drive, to submit to a chemical test of blood, breath, or  
2 urine on demand of any peace officer or probation officer, consume no alcoholic beverages and  
3 not to be present in any establishment where the primary items for sale are alcoholic beverages,  
4 not to own, use, or possess any alcoholic beverage, and submit to search at any time for any  
5 reason by any law enforcement or probation officer.

6 **SECOND CAUSE FOR DENIAL OF APPLICATION**

7 **(August 24, 2009, Conviction for DUI on August 21, 2008)**

8 14. Respondent's application is subject to denial under Code sections 480,  
9 subdivision (a)(1) and 2761, subdivision (f) in that Respondent was convicted of a crime that is  
10 substantially related to the qualifications, functions, and duties of a registered nurse. The  
11 circumstances are as follows:

12 a. On or about August 24, 2009, in a criminal proceeding entitled *The People of the*  
13 *State of California v. Parisa A. Hurley* in Orange County Superior Court, Case  
14 Number 08SM03587, Respondent was convicted on her plea of guilty to violation of Vehicle  
15 Code sections 23152, subdivision (a), driving under the influence of alcohol and 23152,  
16 subdivision (b), driving with a BAC of more than 0.08 percent. The Court stayed the sentence  
17 pursuant to Penal Code section 654 on the second count.

18 b. The facts that led to the conviction are that on August 21, 2008, Respondent was  
19 driving a car in circles at a Ralph's parking lot located at 638 Camino De Los Mares in  
20 San Clemente. Orange County Sheriff's deputies were dispatched to this location and initiated a  
21 traffic stop. Respondent was in the rear passenger seat of the vehicle at this time. A witness told  
22 the deputies that he saw Respondent in the driver's seat of the Nissan Altima driving in circles  
23 around the parking lot. Respondent told the deputies that she did not drive the Nissan at any time.  
24 The deputies could smell the strong odor of alcohol on Respondent and also observed Respondent  
25 with blood shot watery eyes, slurred speech, a lax face and droopy eyelids. There was a bottle of  
26 wine in the vehicle and Respondent told the deputies she had been drinking, but she was not  
27 driving. Respondent refused to perform any Field Sobriety Test, did not answer any more of the  
28 deputies' questions, refused the PAS test, and was arrested. Respondent yelled many profanities



1 to the deputy as he transported her to Orange County Jail in Santa Ana where Respondent gave a  
2 blood sample.

3 c. As a result of the conviction, Respondent's sentencing was combined with two other  
4 cases, which are outlined in the First and Third Causes for Discipline. She was sentenced to  
5 5 years informal probation, ordered to serve 180 days in Orange County Jail, committed for  
6 4 days, 176 days stayed on condition of completing a 12-month substance abuse program with  
7 National Therapeutic Services, Inc., including 180 days of residential treatment to run concurrent  
8 with 09SM00783 and 08SM03510, complete a 18-month Multiple Offender Alcohol Program to  
9 run concurrent to the multiple offender alcohol program on case 08SM03510 and a 3-month first  
10 offender alcohol program ordered on case 09SM00783. On successful completion of the program  
11 without any probation violations the stayed sentence was to be vacated. Respondent was also  
12 ordered to violate no law, pay various fines and fees, not to drive without a valid driver's license,  
13 valid auto insurance or financial responsibility, not to drink and drive, submit to a chemical test of  
14 blood, breath, or urine on demand of any peace officer or probation officer, consume no alcoholic  
15 beverages and not be present in any establishment where the primary items for sale are alcoholic  
16 beverages, not to own, use, or possess any alcoholic beverage, and submit to search at any time  
17 for any reason by any law enforcement or probation officer.

### 18 **THIRD CAUSE FOR DENIAL OF APPLICATION**

19 **(August 24, 2009, Conviction for DUI on December 25, 2008)**

20 15. Respondent's application is subject to denial under Code sections 480,  
21 subdivision (a)(1) and 2761, subdivision (f) in that Respondent was convicted of a crime that is  
22 substantially related to the qualifications, functions, and duties of a registered nurse. The  
23 circumstances are as follows:

24 a. On or about August 24, 2009, in a criminal proceeding entitled *The People of the*  
25 *State of California v. Parisa A. Hurley* in Orange County Superior Court, Case  
26 Number 09SM00783, Respondent was convicted on her plea of guilty to violation of  
27 Vehicle Code sections 23152, subdivision (a), driving under the influence of alcohol and  
28 23152, subdivision (b), driving with a BAC of more than 0.08 percent, and 14601.2,

1 subdivision (a), driving when privilege suspended or revoked for driving under the influence of  
2 alcohol. The Court stayed the sentence pursuant to Penal Code section 654 on the second count.

3 b. The facts that led to the conviction are that Respondent was involved in a single  
4 traffic collision at an apartment complex with a private parking lot located at 27512 Del Gado  
5 Road in San Clemente on her way to take her ex-husband and their son to Christmas mass. An  
6 Orange County Sheriff Deputy was dispatched to this location and noticed Respondent was  
7 standing in the hallway and was involved in a verbal argument with another party. The deputy  
8 saw Respondent crying, swaying in a circular motion and holding her hands against the walls to  
9 maintain balance. The deputy had Respondent walk towards him and sit on a chair outside the  
10 apartment and he noticed that Respondent's steps were unsteady and she had to stop walking to  
11 regain her balance. The deputy also noticed a strong odor of alcohol from Respondent and that  
12 she was very emotional and crying. The deputy found out from Respondent's ex-husband that  
13 Respondent had been driving the car that was involved in the collision. Respondent admitted to  
14 the deputy that she had some beers at home. FSTs were conducted and Respondent failed them.  
15 Respondent consented to PAS which yielded results of .208 and .205 BAC, and Respondent was  
16 arrested.

17 c. As a result of the conviction, Respondent's sentencing was combined with two other  
18 cases, which are outlined in the First and Second Causes for Discipline above. She was sentenced  
19 to 3 years informal probation, ordered to serve 180 days in Orange County Jail, committed for  
20 120 days, 60 days stayed on condition to complete a 12-month substance abuse program with  
21 National Therapeutic Services, Inc, supervised electronic confinement, jail sentence to run  
22 concurrent with 09SM03587, denied community work program and denied County parole, the 12-  
23 month substance abuse program with National Therapeutic Services, Inc., including 180 days of  
24 residential treatment to run concurrent to cases 08SM03587 and 08SM03510, complete an 18-  
25 month Multiple Offender Alcohol Program as to count 1, to run concurrent to a multiple offender  
26 alcohol program on case 09SM03587 and a 3-month first offender program on case 08SM03510,  
27 ordered to be reinstated in a Mothers Against Drunk Driving (MADD) Victim's Impact Panel  
28 program. On successful completion of the program without any probation violations the stayed

1 sentence was to be vacated, complete the program to get credit for it, may not change programs  
2 without Court approval, return to Court within 48 hours of leaving the treatment program for any  
3 reason, and complete a new financial disclosure form if money is still owing on a restitution order  
4 or fine 120 days before the scheduled release from probation, file the form with the Court at least  
5 90 days before the scheduled release from probation. Respondent was also ordered to violate no  
6 law, pay various fines and fees, install and submit proof of installation of an Ignition Interlock  
7 Device for 1 year, and keep it on any vehicle Respondents owns, operates, or drives, except  
8 employer's vehicle, not to drive without a valid driver's license, proof of valid auto insurance or  
9 financial responsibility, not to drink and drive, to submit to a chemical test of blood, breath, or  
10 urine on demand of any peace officer or probation officer, consume no alcoholic beverages and  
11 not to be present in any establishment where the primary items for sale are alcoholic beverages,  
12 not to own, use, or possess any alcoholic beverage, submit to search at any time for any reason by  
13 any law enforcement or probation officer, and pay restitution to the victim.

#### 14 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

##### 15 **(Unprofessional Conduct – Use of Alcohol in a Dangerous Manner)**

16 16. Respondent's application is subject to denial under Code sections 480,  
17 subdivision (a)(3), and 2762, subdivision (b), in that Respondent engaged in unprofessional  
18 conduct which, if done by a licensed registered nurse, would be grounds for suspension or  
19 revocation of licensure, in that Respondent drove a motor vehicle three times while under the  
20 influence of alcohol and over .08 percent BAC, as described above in paragraphs 13, 14, and 15,  
21 which are incorporated herein by reference.

#### 22 **FIFTH CAUSE FOR DENIAL OF APPLICATION**

##### 23 **(Conviction of Crimes Involving Alcohol)**

24 17. Respondent's application is subject to denial under Code sections 480,  
25 subdivision (a)(3), and 2762, subdivision (c), in that on or about August 24, 2009, Respondent  
26 was convicted of crimes involving alcohol, as described about in paragraphs 13, 14, and 15,  
27 which are incorporated herein by reference.

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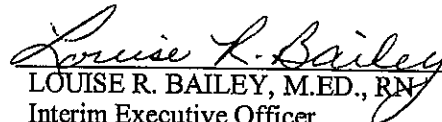
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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Parisa Ashouri Hurley aka Parisa A. Hurley for a registered nurse license;
2. Taking such other and further action as deemed necessary and proper.

DATED: 8-19-10

  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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